

## IN THE CLAIMS

Please amend the claims as follows, substituting any amended claim(s) for the corresponding pending claim(s):

1. (Currently Amended) A high-speed wireless data packet network, comprising:  
an application server for transmitting data to a mobile terminal by way of a wired data packet network and subsequently by way of a wireless communication link; and  
a gateway device providing an interface between the application server and network elements of the high speed wireless data packet network that form the wireless data packet network wherein a gateway general packet radio service (GPRS) service node (GGSN) is formed to pass network performance parameters relating to the wireless data packet network to the application server while a data session is being established to enable the application server to determine an appropriate quality of service (QoS) level of data transfer.
2. (Original) The high speed wireless data packet network of claim 1 wherein the network performance parameters include QoS ratings.
3. (Original) The high speed wireless data packet network of claim 1 wherein the network performance parameters include an indication of transfer delays being experienced in the network.
4. (Original) The high speed wireless data packet network of claim 1 wherein the network performance parameters include an indication of signal data unit error rates being experienced in the network.
5. (Original) The high speed wireless data packet network of claim 1 wherein the network performance parameters include an indication of bit error ratios being experienced in the network.

6. (Original) The high speed wireless data packet network of claim 1 wherein the network performance parameters include an indication of the amount of jitter being experienced in the network.

7. (Original) The high speed wireless data packet network of claim 1 wherein the network performance parameters include an indication of traffic congestion being experienced in the network.

8. (Original) The high speed wireless data packet network of claim 1 wherein the network performance parameters include an indication of signal latency being experienced in the network.

9. (Currently Amended) The high speed wireless data packet network of claim 1 wherein a remote authentication dial-in user service (RADIUS) protocol is used between the GGSN and the application server.

10. (Original) The wireless data network of claim 9 wherein the network performance indications are appended on defined RADIUS protocol message extensions.

11. (Original) The wireless data network of claim 10 wherein the defined RADIUS protocol message extensions are vendor specific.

12. (Currently Amended) A gateway general packet radio service (GPRS) support node (GGSN), comprising:

a processor;

a memory coupled to communicate with the processor, the memory comprising computer instructions that define logic to prompt the GGSN to transmit wireless network performance indicators to at least one external application server disposed within a wired packet-data network during session setup procedures.

13. (Currently Amended) The GGSN of claim 12 wherein the computer instructions define logic to prompt the GGSN to generate quality of service (QoS) information to the external application server.

14. (Currently Amended) The GGSN of claim 12 wherein the computer instructions define logic to prompt the GGSN to transmit the network performance indicators utilizing a remote authentication dial-in user service (RADIUS) protocol wherein the network performance indicators are appended to known RADIUS signals.

15. (Currently Amended) A method of transmitting data in a high speed wireless data packet network, comprising:  
determining network performance characteristics for a wireless network; and  
transmitting a network performance indicator to an external application server by way of a packet-data network while a data session is being set up.

16. (Original) The method of claim 15 further including the step of transmitting network performance indicators only to a select group of application servers.

17. (Original) The method of claim 15 further including sending the performance indicator periodically if the server is one of a gaming application type server, a multimedia application type server, a streaming media type server, an interactive application type server or a real-time type data server.

18. (Currently Amended) The method of claim 15 wherein the network performance indicator is a required quality of service (QoS) rating.

19. (Original) The method of claim 18 wherein the required QoS rating is increased or decreased according to whether a terminal receiving the data from the application server desired to increase or decrease signal quality.

20. (Original) The method of claim 18 wherein the network performance indicator is transmitted to enable the application server to evaluate the required QoS to a QoS specified in a service level agreement as a part of determining what QoS should be provided.